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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael Banatre

CAB 110NP CIP

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EXAMINER

PHAN, HUY Q

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,382

Applicant(s)

BANATRE ET AL.

Examiner

Huy Q Phan

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 6, 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-13, 16-21 is/are rejected.
- 7) ☐ Claim(s) 5, 6, 14, 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: in figure 1, "versUi". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-13, and 16-21 are rejected under 35 U.S.C. 102 (e) as being anticipated by Herrod et al. (US-6,405,049).

Regarding claim 1, Herrod et al. disclose a mobile telephony process in which:

a) at least one context-sensitive service (Si) (fig. 2a, box 15 and col. 8, lines 52-65) capable of using the position and/or identity of a user with a portable set (Ui) (col. 9,

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line 63-col. 10, line 1) is envisaged to create, control access and/or adjust at least some characteristics of the said service (col. 11, lines 51-58),

b) at least one access interface (Bai) (fig. 3, box 12) belonging to a chosen communication infrastructure is envisaged, to allow access to the said context-sensitive service to at least one user portable set (Ui) (10) according to a chosen geographical coverage (col. 5, lines 33-46 and col. 6, lines 62-64),

c) at least one mobile station (SMi) (fig. 5, box 66) distributed in the access interface area of coverage is envisaged (col. 10, lines 31-35),

d) the mobile station (SMi) (66) is equipped with communication means capable of establishing short-range radio frequency communication within a chosen perimeter between the user portable set (Ui) (10), and the mobile station (SMi) (fig. 5 and col. 10, lines 37-57), and

e) at least one user portable set (Ui) (10) is equipped with short-range radio frequency communication means paired with those of the mobile station (66) to establish the said short-range radio frequency communication within the chosen perimeter between the portable set and the mobile station, which allows the said user portable set (Ui) (10) to communicate with the mobile station (SMi) (col. 10, lines 36-57) as well as with the access interface (Bai) (12) to access the said context-sensitive service (Si) adapted according to the position and/or identity of the user (col. 9, line 65-col. 10, line 1).

Regarding claim 2, Herrod et al. disclose a process as recited in the rejection of

claim 1, wherein at least some characteristics of the context-sensitive service (Si) (15) belong to the group formed by the absence/presence, content, availability, access control, pricing of the said service (col. 8, lines 52-65).

Regarding claim 3, Herrod et al. disclose a process as recited in the rejection of claim 1, wherein a plurality of network equipped mobile stations (SMi) is envisaged (fig. 5, boxes 66 and col. 10, lines 59-60).

Regarding claim 4, Herrod et al. disclose a process as recited in the rejection of claim 1, wherein the mobile station (66) or plurality of network equipped mobile stations cover(s) practically exactly the interior of a chosen perimeter (Pi) (col. 10, lines 33-35).

Regarding claim 7, Herrod et al. disclose a process as recited in the rejection of claim 5, wherein a service identifier (Sid) is attributed (col. 8, line 52-col. 9, line 25), in particular of URL address type (col. 31, lines 25-45) or similar to enable access to the service associated with the said perimeter (Pi) (col. 10, lines 49-58).

Regarding claim 8, Herrod et al. disclose a process as recited in the rejection of claim 1, wherein the mobile station (SMi) (fig. 12, box 166) is capable of establishing communication with the access interface (Bai) (col. 19, lines 14-16), the mobile station (SMi) thus fulfilling the role of a portable set.

Regarding claim 9, Herrod et al. disclose a process as recited in the rejection of claim 1, wherein a user identifier (Uid) is attributed for each user portable set in order to identify the said user (col. 11, lines 27-40).

Regarding claim 10, Herrod et al. disclose a process as recited in the rejection of claim 5, wherein the context-sensitive service is adapted according to the user identifier (Uid) and/or the identifier of the perimeter (Pid) in which the user portable set is located (col. 9, line 63-col. 10, line 1).

Regarding claim 11, Herrod et al. disclose a process as recited in the rejection of claim 5, wherein a phase is envisaged for acquisition of the service identifier (Sid) and the perimeter identifier (Pid) after a short-range radio frequency communication (2) established between the user portable set (Ui) coming within the perimeter (Pi) and the nearest mobile station (SMi) (col. 10, lines 37-58).

Regarding claim 12, Herrod et al. disclose a process as recited in the rejection of claim 11, wherein a phase is envisaged for application of the context-sensitive service thus known by the service identifier (Sid) (col. 8, lines 52-57) after a bi-directional communication established between the user portable set (Ui) (10) and the access interface (Bai) (12) (col. 6, lines 43-67).

Regarding claim 13, Herrod et al. disclose a process as recited in the rejection of

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claim 5, wherein a phase is envisaged for acquisition of the user identifier (Uid) (col. 11, lines 27-45) after a short-range radio frequency communication established between the user portable set (Ui) coming within the perimeter (Pi) and the nearest mobile station (SMi) (col. 10, lines 37-44), and in that a phase is envisaged for application of the context-sensitive service (fig. 12, box 168) after communication established between the mobile station (166) and the access interface (12) (col. 19, lines 15-24) to announce to the service (Si) the presence of the user within the perimeter considered (Pi), the service being capable of establishing interaction with the user portable set by adapting the content of the said service according to the user profile (col. 19, lines 40-65) thanks to the user identifier (Ui) and perimeter identifier (Pid) pair.

Regarding claim 16, Herrod et al. disclose a process as recited in the rejection of claim 1 wherein a communication infrastructure belonging to the group formed by the global cellular network of the GSM, UMTS or similar type, ad hoc local network or similar type (col. 3, lines 32-51), is envisaged.

Regarding claim 17, Herrod et al. disclose a process as recited in the rejection of claim 1, wherein a portable set belonging to the group formed by mobile telephones, personal digital assistants (PDA) or similar is envisaged (col. 5, lines 34-36).

Regarding claim 18, Herrod et al. disclose a process as recited in the rejection of claim 1, wherein the mobile telephony device for the implementation of the process (col.

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3, lines 32-33).

Regarding claim 19, Herrod et al. disclose a process as recited in the rejection of claim 18, the user portable set intended for co-operating with the mobile telephony device (col. 3, lines 35-37).

Regarding claim 20, Herrod et al. disclose a process as recited in the rejection of claim 18, the mobile station intended for co-operating with the mobile telephony device (col. 10, lines 33-35).

Regarding claim 21, Herrod et al. disclose a process as recited in the rejection of claim 18, the access interface intended for co-operating with the telephony device (col. 6, lines 56-67).

Allowable Subject Matter

3. Claims 5, 6, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Baker (US-6,505,046) discloses method for distributing location based messages in a wireless communication network.
- b) Akerberg et al. (US-5,533,027) disclose a radio access system.
- c) Kotola et al. (US-6,321,257) disclose method for accessing internet service in a mobile communication network.
- d) Raith (US-6,493,550) discloses a mobile communication system.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huy Phan

Apr. 29, 2004


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